

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Rule making related to abuse identification and reporting training

The Educational Examiners Board hereby amends Chapter 15, “Special Education Support Personnel Authorizations,” Chapter 19, “Evaluator Endorsement and License,” Chapter 20, “Renewals,” Chapter 22, “Authorizations,” Chapter 23, “Behind-the-Wheel Driving Instructor Authorization,” and Chapter 24, “Paraeducator Certificates,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 272.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272.2 and sections 232.69 and 235B.16 as amended by 2019 Iowa Acts, House File 731.

Purpose and Summary

These amendments are intended to implement 2019 Iowa Acts, House File 731, which amends Iowa Code sections 232.69 and 235B.16 by modifying the mandatory child abuse and dependent adult abuse identification and reporting training requirements.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 19, 2019, as **ARC 4504C**. A public hearing was held on July 10, 2019, at 1 p.m. in Room 3 Southwest, Grimes State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on August 7, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Training requirements for mandatory reporters are set forth in Iowa Code sections 232.69 and 235B.16 and therefore cannot be waived.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on October 2, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend subparagraph **15.7(6)“d”(2)** as follows:

(2) Submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). ~~A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:~~

- ~~1.—A person is engaged in active duty in the military service of this state or of the United States.~~
- ~~2.—The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~
- ~~3.—A person is practicing a licensed profession outside this state.~~
- ~~4.—A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

ITEM 2. Amend subrule 19.8(1) as follows:

19.8(1) ~~Child and dependent adult abuse training~~ trainings. All applicants renewing an evaluator license must submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). ~~A waiver of this requirement may apply if a person submits appropriate documentation of any of the following:~~

- ~~a.—A person is engaged in active duty in the military service of this state or of the United States.~~
- ~~b.—The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~
- ~~c.—A person is practicing a licensed profession outside this state.~~
- ~~d.—A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

ITEM 3. Amend subrule 20.3(4), introductory paragraph, as follows:

20.3(4) ~~Child and dependent adult abuse training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training~~ trainings approved by the state abuse education review panel department of human services. The completion documentation must be no more than three years old at the time of application. ~~A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:~~

ITEM 4. Amend subparagraph **22.1(4)“a”(3)** as follows:

(3) Complete child and dependent adult abuse ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). ~~This certification~~ These trainings combined may be used for a maximum total of one planned activity/course required in 22.1(4)“a”(1). ~~A waiver of this requirement may apply if a person is engaged in active duty in the military service of this state or of the United States.~~

ITEM 5. Amend subparagraph **22.1(7)“b”(4)** as follows:

(4) Successful completion of ~~an approved the~~ child and dependent adult abuse ~~mandatory reporter training course~~ trainings pursuant to 282—subrule 20.3(4).

ITEM 6. Amend subparagraph **22.2(1)“c”(2)** as follows:

(2) Child and dependent adult abuse ~~training~~ trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse ~~training approved by the state abuse education review panel~~ trainings pursuant to 282—subrule 20.3(4). ~~A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:~~

- ~~1.—A person is engaged in active duty in the military service of this state or of the United States.~~

2.—The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.

3.—A person is practicing a licensed profession outside this state.

4.—A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.

5.—The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse training approved by the state abuse education review panel.

ITEM 7. Amend paragraph **22.3(7)“b”** as follows:

b. Child and dependent adult abuse mandatory reporter training trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under any of the following appropriately documented conditions:

(1)—The person is engaged in active duty in the military service of this state or of the United States.

(2)—The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.

(3)—The person is practicing in a licensed profession outside this state.

(4)—The person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse mandatory reporter training in this state.

(5)—The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel.

ITEM 8. Amend subparagraph **22.7(7)“b”(2)** as follows:

(2) Child and dependent adult abuse mandatory reporter training trainings. Every renewal applicant must submit documentation of completion of the child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under any of the following appropriately documented conditions:

1.—The person is engaged in active duty in the military service of this state or of the United States.

2.—The person has previously renewed a license or another authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse mandatory reporter training approved by the state abuse education review panel.

ITEM 9. Amend subrule 23.5(3) as follows:

23.5(3) Effective September 1, 2002, the child Child and dependent adult abuse training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

a.—The person is engaged in active duty in the military service of this state or of the United States.

b.—The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.

c.—The person is practicing a licensed profession outside this state.

d.—The person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.

e.—The person has previously renewed a license or authorization issued by the board of educational examiners and, at that time, reported the completion, within the past five years, of child and dependent adult abuse training approved by the state abuse education review panel.

ITEM 10. Amend subrule 24.6(2) as follows:

24.6(2) All applicants renewing a paraeducator certificate must submit documentation of completion of the child and dependent adult abuse training approved by the state abuse education review panel trainings pursuant to 282—subrule 20.3(4). A waiver of this requirement may apply under the following conditions with appropriate documentation of any of the following:

- ~~a. A person is engaged in active duty in the military service of this state or of the United States.~~
- ~~b. The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.~~
- ~~c. A person is practicing a licensed profession outside this state.~~
- ~~d. A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.~~

[Filed 8/8/19, effective 10/2/19]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/28/19.